



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,506	08/06/2001	Victor S. Moore	BOC9-2001-0006(241)	1774
7590 Gregory A. Nelson 222 Lakeview Avenue., Fourth Floor P.O. Box 3188 West Palm Beach, FL 33401			EXAMINER ELAHEE, MD S	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/923,506

Applicant(s)

MOORE ET AL.

Examiner

Md S. Elahee

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 07/20/2007. Claims 1-20 are pending.

### ***Response to Argument***

2. The applicant argues filed on 07/20/2007 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 2614

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart et al.** (U.S. 6,732,176) in view of **Goldberg** (U.S. 2003/0096633) further in view of **Yoza et al.** (U.S. 2002/0133616).

Regarding claims 1 and 9, **Stewart** teaches providing a short-range radio frequency communications system, the system having a wireless access point [i.e., host computing device] connected to a computer communications network over a physical communications link medium, the system being configured to deliver components of network provider [i.e., Application Service Provider] services over short-range radio communications links to portable computing device, PCD [i.e., wireless devices] in a Local area network [i.e., personal area network (PAN)], and also to retrieve at least a portion of said component of provider services from providers in the computer communications network over the physical communications link medium (abstract; fig.1, 6; col.5, lines 2-14, 25-35, 55-61, col.6, lines 15-28);

**Stewart** further teaches the components of the Application Service Provider services comprising a plurality of different software programs (col.8, lines 36-38, col.10, lines 38-52,

Art Unit: 2614

col.13, lines 34-39). However, **Stewart** does not specifically teach 'a plurality of different software programs from among which a user of a wireless device selects and interacts with via a short-range radio communications link'. **Goldberg** teaches a plurality of services [i.e., different software programs] from among which a user of a wireless device selects and interacts with via a short-range radio communications link (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate a plurality of different software programs from among which a user of a wireless device selects and interacts with via a short-range radio communications link in order to provide user with an option to interact with a particular service via a short range.

**Stewart** further teaches establishing a short-range radio communications link with a PCD in the Local area network (fig.6; col.5, lines 2-14, col.10, lines 38-52);

**Stewart** further teaches transmitting to the PCD over the short-range radio communications link a list of the network provider services (col.6, lines 15-28, col.7, lines 12-14, col.8, lines 4-9);

**Stewart** further teaches receiving from the PCD requests for network provider services (col.5, lines 63-67, col.6, lines 1-4, 15-28). However, **Stewart** does not specifically teach 'at least one of said Application Service Provider services selected from said list of Application Service Provider services'. **Goldberg** teaches at least one of the Application Service Provider services selected from the list of Application Service Provider services (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate

the feature of selecting at least one of the Application Service Provider services from the list of Application Service Provider services in order to provide user with an option to make a proper selection of a particular service.

**Stewart** further teaches for each component of said selected Application Service Provider services, determining if the wireless access point can immediately deliver said component without requiring retrieval of said component from said providers and immediately delivering said component to said wireless device if retrieval of said component is not required (col.5, lines 63-67, 55-62, col.6, lines 1-4, 15-28, 62-67, col.7, lines 1-3);

**Stewart** further teaches if the wireless access point cannot deliver said component without requiring retrieval of said component from said providers, route the request for component for said at least one provider service from one of said providers to another provider over the physical communications link medium (col.7, lines 4-23).

However, **Stewart** in view of **Goldberg** further does not specifically teach 'retrieving said component for said at least one provider service from one of said providers'. **Yoza** teaches retrieving said component for said at least one provider service from one of said providers (abstract; page 1, paragraphs 0006, 0012, page 2, paragraphs 0015, 0020, 0021, page 3, paragraph 0030, page 4, paragraph 0031, 0032). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** in view of **Goldberg** to incorporate feature of retrieving said component for said at least one provider service from one of said providers in **Stewart's** invention in view of **Goldberg's** invention in order to a particular service available in a remote server such that the user can get benefit from the use of the service.

Art Unit: 2614

Regarding claims 2, 6 and 10, **Stewart** teaches establishing an IEEE 802.11-based communications link with the portable device (col.5, lines 8-14, 20, 21, col.10, lines 38-52).

However, **Stewart** does not specifically teach BLUETOOTH-based communications link. **Goldberg** teaches BLUETOOTH-based communications link (fig.4; page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate BLUETOOTH-based communications link as taught by **Goldberg**. The motivation for the modification is to do so in order to provide user with a specific standard for a communication range.

Regarding claims 3, 4, 11 and 12, **Stewart** teaches establishing an 802.11 standard [i.e., IEEE 802.11b and IEEE 802.11a] based communications link with said portable device (col.5, lines 8-14, 20, 21, col.10, lines 38-52).

Claim 5 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, **Stewart** teaches a list of provider services which can be accessed by the PCDs in the Local area network [i.e., personal area network (PAN)], the provider services in the list residing locally in the wireless access point and remotely in provider servers in the communications network (col.5, lines 36-50, 55-62, col.6, lines 15-28, col.7, lines 30-32, 46-61, col.8, lines 4-9, 35-49).

However, **Stewart** does not specifically teach 'the list indicating which provider services can be distributed to said wireless devices in the Local area network'. **Goldberg** teaches the list indicating which provider services can be distributed to the wireless devices in the Local area

Art Unit: 2614

network (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate the list indicating which provider services can be distributed to the wireless devices in the Local area network in order to inform a user with availability of services from which the user can make a particular choice of a particular service.

**Stewart** further does not specifically teach 'each of the different software programs being configured to be executed by said wireless device when received'. **Goldberg** teaches each of the different software programs being configured to be executed by the wireless device when received (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate each of the different software programs being configured to be executed by the wireless device when received in order to provide user to access a particular service through a particular provider.

Regarding claims 7 and 8, **Stewart** teaches a short-range radio communications system configured in accordance with 802.11 standard [i.e., IEEE 802.11a and IEEE 802.11b] (col.5, lines 8-14, 20, 21, col.10, lines 38-52).

Claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, **Stewart** teaches receiving from the Service Providers a list of Available Service Provider services at the PCD (col.6, lines 15-28, col.8, lines 4-9).



Art Unit: 2614

Regarding claim 14, **Stewart** teaches the list of Available Service Provider services is transmitted to the PCD in response to a request [i.e., query] transmitted by the PCD (col.5, lines 63-67, col.6, lines 1-4, 15-28, col.7, lines 12-14, col.8, lines 4-9).

Regarding claim 15, **Stewart** teaches the list of Available Service Provider services is transmitted to the PCD automatically from the Available Service Providers in response to detecting a presence of the PCD within the LAN (col.5, lines 55-67, col.6, lines 1-4, 15-28, col.8, lines 4-9).

Regarding claim 16, **Stewart** teaches the list of Available Service Provider services is transmitted to the PCD automatically from the Available Service Providers in response to detecting a presence of the PCD within the LAN (fig.4; col.11, line 54-col.12, line 10).

Regarding claim 17, **Stewart** teaches prompting the PCD to register with the Available Service Providers if the PCD is not a valid subscriber (fig.4; col.11, line 54-col.12, line 10).

Regarding claim 18, **Stewart** teaches that the list of available services is determined based upon at least one of prioritization, transaction statistics, resources of the PCD, and resources of the communications system (fig.4; col.7, lines 30-45, col.11, line 17-col.12, line 10).

Claims 19 and 20 are rejected for the same reasons as discussed above with respect to claim 5.

Art Unit: 2614

7. Claims 1, 5, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart et al.** (U.S. 6,571,221) in view of **Goldberg** (U.S. 2003/0096633) further in view of **Yoza et al.** (U.S. 2002/0133616).

Regarding claims 1 and 9, **Stewart** teaches **Stewart** teaches providing a short-range radio frequency communications system, the system having a wireless access point [i.e., host computing device] connected to a computer communications network over a physical communications link medium, the system being configured to deliver components of network provider [i.e., Application Service Provider] services over short-range radio communications links to portable computing device, PCD [i.e., wireless devices] in a Local area network [i.e., personal area network (PAN)], and also to retrieve at least a portion of said component of provider services from providers in the computer communications network over the physical communications link medium (abstract; fig.1; col.5, line 29-col.6, line 16);

**Stewart** further teaches the components of the Application Service Provider services comprising a plurality of different software programs (col.12, lines 43-47, col.15, lines 47-53, col.17, lines 50-55, 64-67, col.18, lines 1-3). However, **Stewart** does not specifically teach 'a plurality of different software programs from among which a user of a wireless device selects and interacts with via a short-range radio communications link'. **Goldberg** teaches a plurality of services [i.e., different software programs] from among which a user of a wireless device selects and interacts with via a short-range radio communications link (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate a plurality of different software programs from among which a user of a wireless device selects and interacts

Art Unit: 2614

with via a short-range radio communications link in order to provide user with an option to interact with a particular service via a short range.

**Stewart** further teaches establishing a short-range radio communications link with a PCD in the local area network (col.6, lines 1-16);

**Stewart** further teaches transmitting to the PCD over the short-range radio communications link a list of the network provider services (col.9, lines 50-54, col.10, lines 34-40).

**Stewart** further teaches receiving from the PCD requests for network provider services (col.7, lines 50-67, col.8, lines 1-13, col.9, lines 35-67, col.10, lines 1-5, 34-40). However, **Stewart** does not specifically teach 'at least one of said Application Service Provider services selected from said list of Application Service Provider services'. **Goldberg** teaches at least one of the Application Service Provider services selected from the list of Application Service Provider services (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate the feature of selecting at least one of the Application Service Provider services from the list of Application Service Provider services in order to provide user with an option to make a proper selection of a particular service.

**Stewart** further teaches for each component of said selected Application Service Provider services, determining if the wireless access point can immediately deliver said component without requiring retrieval of said component from said providers and immediately delivering said component to said wireless device if retrieval of said component is not required (fig.4, 5;

Art Unit: 2614

col.9, lines 35-67, col.10, lines 1-5, 34-40, 56-67, col.13, lines 17-23, 54-67, col.14, lines 1-5, 17-62, col.16, lines 16-61);

**Stewart** further teaches if the wireless access point cannot deliver said component without requiring retrieval of said component from said providers, route the request for component for said at least one provider service from one of said providers to another provider over the physical communications link medium (fig.4, 5; col.9, lines 35-67, col.10, lines 1-5, 34-40, 56-67, col.13, lines 54-67, col.14, lines 1-5, 17-62, col.16, lines 16-61).

However, **Stewart** in view of **Goldberg** further does not specifically teach 'retrieving said component for said at least one provider service from one of said providers'. **Yoza** teaches retrieving said component for said at least one provider service from one of said providers (abstract; page 1, paragraphs 0006, 0012, page 2, paragraphs 0015, 0020, 0021, page 3, paragraph 0030, page 4, paragraph 0031, 0032). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** in view of **Goldberg** to incorporate feature of retrieving said component for said at least one provider service from one of said providers in **Stewart's** invention in view of **Goldberg's** invention in order to a particular service available in a remote server such that the user can get benefit from the use of the service.

Claim 5 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, **Stewart** teaches a list of provider services which can be accessed by the PCDs in the Local area network [i.e., personal area network (PAN)], the provider services in the list residing locally in the wireless access point and remotely in provider servers in the

Art Unit: 2614

communications network (col.9, lines 23-27, 35-67, col.10, lines 1-5, 34-40, 56-67, col.13, lines 17-23, 54-67, col.14, lines 1-5, 17-62, col.15, lines 47-53).

However, **Stewart** does not specifically teach 'the list indicating which provider services can be distributed to said wireless devices in the Local area network'. **Goldberg** teaches the list indicating which provider services can be distributed to the wireless devices in the Local area network (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate the list indicating which provider services can be distributed to the wireless devices in the Local area network in order to inform a user with availability of services from which the user can make a particular choice of a particular service.

**Stewart** further does not specifically teach 'each of the different software programs being configured to be executed by said wireless device when received'. **Goldberg** teaches each of the different software programs being configured to be executed by the wireless device when received (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate each of the different software programs being configured to be executed by the wireless device when received in order to provide user to access a particular service through a particular provider.

Claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, **Stewart** teaches receiving from the Service Providers a list of Available Service Provider services at the PCD (col.9, lines 23-27, col.15, lines 47-53).

Art Unit: 2614

*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Md. Shafiul Alam Elahee*

MD SHAFIUL ALAM ELAHEE

Examiner

Art Unit 2614

October 28, 2007